2003/04

Annual Report

Employment and Assistance Appeal Tribunal

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November 2004

Honourable Susan Brice
Minister of Human Resources

I have the honour to transmit herewith my annual report to you, in accordance with section 20(1) of the Employment and Assistance Act.

Brian Gifford
Chair, Employment and Assistance Appeal Tribunal

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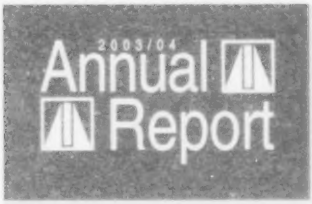

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Message from the Chair

It is a pleasure to present the second annual report of the Employment and Assistance Appeal Tribunal.

The Employment and Assistance Appeal Tribunal was established on September 30, 2002 under the authority of the Employment and Assistance Act. This Act created the tribunal and implemented many changes to assistance benefits. In our first year, we focused on developing an efficient and fair process for hearing appeals from benefit recipients. We have accomplished this goal.

Our second year saw some of the effects of the changes that were made to assistance rules in the previous year. Appellants have told us that they are finding the appeal process to be more important than ever. People who are facing uncertainty about their entitlement to benefits need to have the issue resolved quickly and fairly. We have therefore focused our efforts during our second year of operation on continuing to improve our important service, and ensuring that we continue to be efficient and timely. The tribunal consistently receives a high volume of appeals – 1,234 between October 1, 2003 and September 30, 2004 – and we hear them within the required time limits.

In addition to being efficient and timely, the appeal process is accessible and fair. We have used every means to ensure that appellants are aware of our service and that our office is easy to access, through a toll-free number, fax, e-mail, and the web – and this year we have added a toll-free TTY number, to improve access for people with speech or hearing disabilities.

The information appellants need is readily available, on our website, through our publications, and through our staff. Wherever possible, we accommodate the type of hearing requested by appellants, and hold hearings in the region and community in which he or she lives. Each appeal is heard by a panel of three neutral, objective members of the community who understand the relevant legislation and have received training on conducting appeals.

I am proud of our success in accomplishing our mandate and serving our clientele well, which can be attributed to the dedicated efforts of our panel members and staff.

As the Employment and Assistance Appeal Tribunal moves into its third year, we look forward to continuing to provide simple and ready access, and a fair and timely resolution of issues, for the people who need it.

Brian Gifford
Chair, Employment and Assistance Appeal Tribunal

OUR MISSION

The mission of the Employment and Assistance Appeal Tribunal is to provide an accessible appeal process that delivers timely and fair decisions reviewing determinations of the Ministry of Human Resources.

WHO WE ARE

The Employment and Assistance Appeal Tribunal was established on September 30, 2002. The tribunal hears appeals of most decisions about assistance made by the Ministry of Human Resources, and is independent of the ministry. (A complete statement of our mandate is included in Appendix A.)

The tribunal provides a streamlined and efficient one-step appeal process, replacing the appeal system that existed under the former BC Benefits Act and other related acts.

The tribunal consists of a tribunal chair and vice-chair, staff, and a roster of panel members located throughout the province. Three people are chosen from the roster by the tribunal chair to hear each appeal. The tribunal currently has 252 panel members. (A list of tribunal staff is included in Appendix B, and a list of panel members is included in Appendix C.)

The Employment and Assistance Appeal Tribunal hears appeals of reconsideration decisions that refuse, reduce or discontinue assistance and/or a supplement under:

- Section 17(3) of the Employment and Assistance Act
- Section 16(3) of the Employment and Assistance for Persons with Disabilities Act, and
- Section 6(3) of the Child Care Subsidy Act.

Who are our panel members?

Employment and Assistance Appeal Tribunal panel members are selected from throughout the province to ensure that hearings can take place in every region. To be considered for appointment to the tribunal, candidates must have:

- an understanding of the essential elements for the conduct of a fair and objective hearing
- excellent analytical, communication and interpersonal skills
- very good writing skills and conflict resolution skills
- a proven ability to work well in group settings, and
- the ability to read and understand government legislation.

In addition, to ensure independence and hearings that are fair and just, panel members must not:

- be or have been an employee of the Ministry of Human Resources for the past six months
- be an employee of the provincial government
- be a recipient of benefits under any of the acts for which the tribunal has responsibility, or
- have any real or perceived interest in matters that come before the tribunal.

Panel members are also required to commit to attending training, following the tribunal's practices and procedures, and maintaining confidentiality. All panel members have participated in an orientation training session before they can hear an appeal.

Note: In order to maintain a roster of appeal panel members throughout the province, the tribunal recruits new members from time to time. Anyone interested in being considered for appointment to the tribunal should refer to either the Employment and Assistance Appeal Tribunal website (www.gov.bc.ca/eaat) or the Board Resourcing and Development Office website (www.fin.gov.bc.ca/oop/brdo/) for information on how to apply.

VISION

The Employment and Assistance Appeal Tribunal will be known for:

- providing an independent, community-based, accessible, fair, timely, caring and ethical process to hear appellants' disagreements with decisions of the Ministry of Human Resources
- supporting panel members to provide quality service and raise community awareness and the profile of the tribunal
- creating a healthy work environment that supports staff to provide quality service and to continually learn and develop knowledge, skills and expertise.

The appeal process

Before coming to the tribunal, people must first request a Ministry of Human Resources reconsideration decision. People who apply for or receive assistance under the BC Employment and Assistance Program can ask for reconsideration of decisions that resulted in refusal, reduction or discontinuance of assistance, supplements or child care subsidies.

(More information about the ministry's reconsideration process is available from ministry offices and from the ministry's website, www.gov.bc.ca/mhr)

Those who disagree with an outcome of their request for reconsideration can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. They must submit a Notice of Appeal form to the tribunal within seven days of receiving their reconsideration decision. (Appendix D includes instructions for appealing to the tribunal.)

On receiving a completed Notice of Appeal, the tribunal decides whether the matter can be appealed. Factors that are considered include whether the Notice of Appeal was submitted within the prescribed timelines and whether the issue is appealable under the legislation.

If the matter is eligible for appeal, a three-person panel is appointed, and the hearing is commenced within 15 business days of the Notice of Appeal being delivered to the tribunal. Most hearings are conducted in person, usually in or near the appellant's community. Hearings can also occur, however, by teleconference, or, if both parties consent, in writing.

The panel reviews the ministry's reconsideration decision and appeal record, considers the evidence provided by the appellant and the ministry, and renders a written decision generally within five business days of the hearing. The tribunal office sends a copy of the decision to the appellant and the ministry within five business days of receiving it from the panel. Decisions of the tribunal are final.

Appeal Process

A Ministry of Human Resources worker denies, discontinues or reduces a benefit, supplement or child care subsidy.

The client may request a reconsideration of the ministry worker's decision. The reconsideration request must be delivered to the ministry within 20 business days of the day the client was informed of the original decision.

The ministry has 10 business days to respond to the reconsideration request.

If the client is dissatisfied with the reconsideration decision, he or she may submit a Notice of Appeal to the Employment and Assistance Appeal Tribunal.

The appellant has 7 business days to submit the Notice of Appeal to the tribunal.

Oral Hearing

Within 15 business days, the tribunal schedules an oral hearing in person or by teleconference.

The panel hears the appeal in person or by teleconference.

The panel renders a decision, either rescinding or confirming the ministry decision.

The panel has 5 business days to provide the tribunal with a written decision.

The tribunal has 5 business days to deliver the decision to the parties.

Written Hearing

Within 15 business days, the appellant receives a commencement letter from the tribunal commencing the written hearing.

The appellant has 7 business days to provide a submission.

The ministry has 7 business days to respond to the appellant's submission.

The panel convenes to render a decision, either rescinding or confirming the ministry decision.

The panel has 5 business days to provide the tribunal with a written decision.

The tribunal has 5 business days to deliver the decision to the parties.

What our decisions look like

Here are three sample decisions from 2003.

Case 1: Employment Plan

Ministry's decision	Appellant no longer eligible for income assistance
Summary of facts	The appellant signed an employment plan on February 3. The appellant failed to attend a training assessment due to illness. Another appointment was booked, which the appellant attended. On February 26, the training office advised the ministry that the appellant had cancelled, rebooked and again failed to attend. The training office had not heard from her since. On March 11, the training office advised the ministry that the appellant was not suitable for the program as she had missed three booked appointments and was late for a fourth. The training office said that she had not demonstrated a willingness to follow the program so they were not prepared to take her in. The appellant claims she missed her appointments for medical reasons. No proof of such medical reasons was submitted to the ministry or to the panel, although her employment plan states that if she is not able to attend, she must advise the training office immediately and a doctor's note may be required. The ministry representative stated that the appellant provided no proof of mitigating circumstances and failed to make reasonable efforts to comply with the conditions of the plan, resulting in her untimely release from the training office.
Tribunal's decision	Ministry's decision confirmed
Reason for decision	The appellant entered into an employment plan, signed it, and understood it. A specific condition of the plan was that the appellant attend the training program. The evidence supports the ministry's decision that the appellant is no longer eligible for income assistance as she has failed to comply with the conditions of her employment plan.

Case 2: Person with Disability Designation

Ministry's decision	Person with disability status denied
Summary of facts	The appellant has numerous severe medical conditions and a traumatic brain injury. The evidence showed he was incapable of looking after his personal finances due to his brain injury and resulting short-term memory retention. The appellant is illiterate and does not possess even minimal reading or writing skills. In the oral hearing, the appellant demonstrated an inability to communicate his points in an effective manner and an inability to grasp the nature of the proceeding or comprehend the questions that were directed towards him. He was both aggressive and disruptive during the proceeding.
Tribunal's decision	Ministry's decision rescinded
Reasons for decision	The majority of the panel found that the appellant meets the criteria for designation as a person with a disability. Although the appellant's multiple physical disabilities limit and, in some instances, bar the appellant's completing daily living activities, it is the appellant's mental health challenge that qualified him as a person with disabilities under the act. In particular, the appellant's traumatic brain injury makes him prone to aggression and disruptive behaviour, which frustrates those who would attempt to communicate with him. Further, his inability to concentrate, his lack of short-term memory and his disorganization substantially impair his ability to look after himself and make him dependent on his wife and others.

Case 3: Dependency Relationship

Ministry's decision	Application for income assistance as a single person denied
Summary of facts	The appellant lived in a one-bedroom apartment with her son. Mr. A. was listed as the landlord. Mr. A. provided the ministry with a letter stating that he rented an apartment to the appellant and her son. He was in fact living in the one-bedroom apartment as well, although he was not listed as living at the household. The appellant and her son moved to a two-bedroom suite. Mr. A. paid the damage deposit, and the appellant later paid him half of the deposit when she received her cheque. When the appellant completed her shelter confirmation for this new residence, she did not list Mr. A. as a resident. At the hearing the appellant stated that Mr. A. did live there with her, but that she pays half the rent and Mr. A. pays the other half. The appellant listed a vehicle in her name only but the lease payment, insurance and licensing fees were paid by Mr. A., who is also listed as an authorized driver. The appellant indicated that they go shopping together and each pays half of the grocery bill. They share the preparation and eating of the food. The phone is listed in Mr. A.'s name, they share a fax machine, and share utilities payments. Mr. A. bought a plane ticket for her son when he needed to travel.
Tribunal's decision	Ministry's decision confirmed
Reason for decision	The ministry's decision was reasonably supported by the evidence. The appellant clearly shares income, assets and necessities of life obtained with shared income with Mr. A. They share accommodation through the sharing of income; they shop for groceries together, prepare and eat food together, and share the same vehicle and bills. The sharing they do clearly falls within the definition of a dependent as set out in the Act.

OUR VALUES

In carrying out its mission,
the Employment and Assistance Appeal
Tribunal is guided by
the following values:

Fairness
Impartiality
Excellence
Efficiency
Timeliness
Accessibility
Accountability
Transparency
Independence

Building on success

Having accomplished a great deal in its first year of operation, the Employment and Assistance Appeal Tribunal in its second year refined and improved the systems it had put in place, while successfully continuing to meet its mandate. Here is a brief summary of our activities in key areas.

Panel members

- We continued to recruit more panel members throughout the province. The tribunal chair toured south-central B.C. to meet existing tribunal members and to recruit new members.
- 177 members were reappointed and 75 new members were appointed.
- New panel members participated in one-day training sessions.

Legislation and policy changes

- On February 13, 2004, the Administrative Tribunals Appointment and Administration Act came into effect, amending the sections of the Employment and Assistance Act that apply to the appointment of the tribunal chair, vice chairs and panel members. The new act affects the length of term for which the chair and panel members can be appointed and reappointed. Further changes are expected in the next fiscal year.
- We revised a number of the forms used in the appeal process, to make them clearer and more user-friendly.

Communications

- We purchased a TTY machine to improve access to the tribunal. A TTY, or "text telephone," assists people with speech or hearing disabilities. Our toll-free TTY number is **1-866-356-6264**.
- We continued to develop our website, which provides information about the tribunal, the basis for an appeal and preparation for an appeal, and panel member recruitment, as well as the required appeal forms, links to legislation, and a request for feedback.

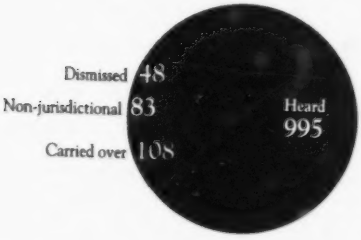
Tribunal budget information is included in Appendix E.

Results

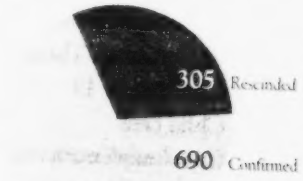
Here is a brief summary of the results of our work for the reporting period October 1, 2003 to September 30, 2004.

Notices of Appeal received	1234
Appeals assessed as not within the jurisdiction of the tribunal (i.e., not proceeding to hearing)	83
Appeals dismissed (i.e., both parties consented to withdraw the appeal)	48
Files with decision confirmed (i.e., Ministry of Human Resources reconsideration decision upheld)	690
Files with decision rescinded (i.e., Ministry of Human Resources reconsideration decision overturned)	305
Files carried over (i.e., Notice of Appeal received before September 30, 2004 but proceeding to hearing after or not assessed by September 30, 2004)	108

Appeals Received – 1234



Appeals Heard – 995



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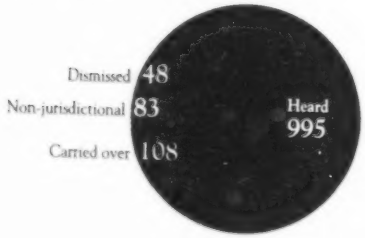

Appeals Heard – 995

Appeal Type:

Disabilities – Persons with disabilities (PWD)	348
Disabilities – Persons with persistent multiple barriers (PPMB)	43
Eligibility – Deductions on income/earnings exemptions	8
Eligibility – Dependency/living Arrangements	46
Eligibility – Eligibility audit	5
Eligibility – Excess income/assets	72
Eligibility – Failure to accept/ pursue income/assets	10
Eligibility – Failure to provide information/verification	18
Eligibility – Identification	1
Eligibility – Residency	3
Eligibility – Time limit for IA	3
Eligibility – Undeclared income/assets	1
Employment – Dismissed/quit/refused employment	24
Employment – Employment Plan/failure to look for work	290
Employment – Requirement for two year financial independence	14
Health Supplements – Dental supplement	13
Health Supplements – Diet/natal supplements	10
Health Supplements – MSP/Other health supplements	24
Health Supplements – Medical Equipment	38
Health Supplements – Medical Supplies	15
Health Supplements – Medical Transportation	18
Health Supplements – Monthly Nutritional Supplement (MNS)	75
Health Supplements – Short-term nutritional supplement Products	6
Health Supplements – Therapies	6
Other – CIHR/under 19	2
Other – Child care	10
Other – Crisis supplement	55
Other – Family maintenance	6
Other – Hardship	4
Other – Other	62

Regional boundaries

The Ministry of Human Resources changed its regional boundaries on September 30, 2003, dropping from nine regions to five. The map on the left shows the old regions structure; the map on the right shows the new regions.

Former Regions

Region 1	Vancouver
Region 2	Rainbow (Lower Mainland/Coast)
Region 3	Fraser North/Upper Valley
Region 4	Fraser South
Region 5	The Kootenays/Okanagan
Region 6	Central BC
Region 7	Prince George/Northern BC
Region 8	North Vancouver Island
Region 9	Garden City (Victoria)

Current Regions		Appeal Files Entered by Region
Region 1	Vancouver Island	252
Region 2	Vancouver Coastal	174
Region 3	Fraser	352
Region 4	Interior	331
Region 5	North	125

Glossary

These are terms that you will find in this report, on our web-site and in our other materials.

act: the Employment and Assistance Act

advocate: an individual who serves as a spokesperson for one of the parties, typically the appellant

appeal panel: a panel of three persons appointed by the tribunal chair to hear an appeal under the act

appeal record: the information and records that were before the Minister of Human Resources when the reconsideration decision under appeal was made

appellant: a person who commences an appeal under section 21 of the act

business day: a day between the hours of 8:30 a.m. and 4:30 p.m. other than Saturday, Sunday or a statutory holiday

independent: the activities of the tribunal are separate and operate at "arms length" from the ministry

minister: the Minister of Human Resources

ministry: the Ministry of Human Resources

Notice of Appeal: the appeal form that must be submitted to the tribunal in order to commence an appeal

oral hearing: an appeal tribunal hearing that is conducted in the presence of the parties and the panel members or by teleconference

panel chair: the panel member designated by the tribunal chair to chair a specific appeal hearing

party: in relation to an appeal to the tribunal, the appellant and/or the minister whose decision is under appeal

quasi-judicial: an activity, process and/or body that is similar to that of a court of law, but without the formality and structure (judge, lawyers, jury) of a court of law

reconsideration decision: the final ministry decision pertaining to the initial request, and the decision that may be appealed to the Employment and Assistance Appeal Tribunal

representative: an agent, lawyer or advocate representing a party during the appeal

tribunal: the Employment and Assistance Appeal Tribunal established under section 19 of the act

tribunal chair: the chair of the tribunal appointed by the Lieutenant Governor in Council under section 19 of the act

witness: a person who provides evidence at a hearing

written hearing: an appeal tribunal hearing that is conducted through the submission of written documentation

Appendix A: Our Mandate

The Employment and Assistance Appeal Tribunal is an independent quasi-judicial agency established to determine appeals of Ministry of Human Resources decisions under section 17(3) of the Employment and Assistance Act, section 16(3) of the Employment and Assistance for Persons with Disabilities Act, and section 6(3) of the Child Care Subsidy Act pertaining to the following:

- a decision that results in a refusal to provide income assistance, disability assistance, hardship assistance or a supplement to or for someone in the person's family unit;
- a decision that results in a discontinuance of income assistance, disability assistance or a supplement provided to or for someone in the person's family unit;
- a decision that results in a reduction of income assistance, disability assistance or a supplement provided to or for someone in the person's family unit;
- a decision in respect of the amount of a supplement provided to or for someone in the person's family unit if that amount is less than the lesser of the maximum amount of the supplement under the regulations, and the cost of the least expensive and appropriate manner of providing the supplement;
- a decision that results in a refusal to pay a child care subsidy to or for the person; and
- a decision that results in a discontinuance or reduction of the person's child care subsidy.

Section 20(1) of the Employment and Assistance Act gives the tribunal chair the responsibility for the general administration and management of the tribunal. Section 20(2) of the act also gives the tribunal chair the authority to establish practices and procedures for the tribunal and to make recommendations to the minister for appointments to the tribunal.

Appendix B:
Tribunal Staff, 2003/04

Lenore Barron
Linda Blackman
Melrose Boado
Kimberley Free
Christopher George
Brian Gifford
Shileen Grant
Tracie Horne
David Hosking
Jasmine Hsu
Goretti Lambeth
Ida Lindquist
Glenna McEwen
Dorinda Nyman
Frances Sasvari
Linda Shout
Linda Sturtridge

Tribunal Staff, September 2004

Appendix C:
Tribunal Panel Members

Region 1 –
Vancouver Island
Doug Allan
Vaughan Allin
Carl Anshelm
Denise Barber
Bonnie Mae Barrie
Maurice Bauche
Glenys Parry Blackadder
Deborah Bromley-Anvelt
Noreen Butt
Mac Carpenter
Sheila Colbert-Kerns
David Coombe
Douglas Courtice
Dayle Crawford
Eric Dahli
Janice Dalgarno
Andrea Duncan
James Dunn
Judith Dyrland
Susan Edwards-Thompson
Thomas Ellwood
Leanne Eriksen
Ken Flannagan
Eleanor Gee
Roger Gibson
Martin Golder
Peter Gustar
Richard Grounds
Margaret Haigh
Colin Haime
Zig Hancyk
Leslie Hanes
John Henry
Gina Hepp
Kitty Hoffman
David Indge
Lee Jeffrey
Joyce Johnston
Bijou Kartha
Avo Lepp
Victor Lotto
Layne Marshal
Barry Mayhew
Dick McCarthy
Judith McFarlane
Kathleen McIsaac
Marilyn McNamara
Marilyn McPherson
Rita Parikh
Ken Porter
Mohindar Rattan
Les Reid
Bill Robertson
Keith Routley
Phyllis Senay
Paul Skobleniuk
Gail Stewart
Jacquie Tarasoff
Dianne Thomas
Fred Thompson
Guy Verreault
Donovan Walker
Bruce Webber
Raymond Welch
Adrian Westdorp
Ian Wilson

Region 2 –
Vancouver Coastal
Kathleen Adams
Sheila Begg
Gail Brown
Kelly Connell
Julie Cullen
Anthony Dibley
Alistair Duncan
John Fleming
Bill Frost
Duane Ghastant Aucoin
Kensi Gounden
Eleanor Gregory
Uli Haag
Allan Hewett
Rowland Johnson
Sheri Lindsay
Maureen Mochuk
Patricia Morris
Sharon Morrisroe
Ethel Niessen
Margaret Ostrowski
Arthur Perret
Anna Perry
Louis Peterson
Claudia Roberts
Maria Shawcross
Robert Soper
Dan Tutti
Elaine Wass
Kenneth Wilson
Alfred Woo
Janet Wortsman
Reece Wrightman
Ben van der Woerd

Region 3 – Fraser
Richard Bogstie
Richard Brock
Mary Bruce
Marion Campbell
Julia Chapman
Shelley Chrest
David Coulson
Simon Cumming
Jean Davidson
Peter Davison
Denise Fallis
Dean Francey
Raj-Mohinder Gurm
Adrian Harper
June Harrison
Carol-Ann Hart
Beverly Kennedy
Alan Kliewer
Mebs Lalani
Patricia Lawrence
Denise LeGrand
Donna Leemet
Allen Lees
Bernie Leong
Aart Looye
Mary MacFadyen
Marcia McKay
Kenneth McMillan
Raj Mehta
Maurice Mourton
Henry Neufeld
Lawrence Plenert
Andrew Rasheed
Kundan Sangha
Christopher Saunders
Debra Simpson
Nirmal Singh
Trevor Thompsett
Mark Thorburn
Corey Van't Haaf
Gilbert Vergilio
Louis Vujanich

Region 4 – Interior
Jane Agg
Peter Allik-Petersenn
Frank Armitage
Jaymie Atkinson
Elizabeth Ballard
Lorianna Bennett
Linda Berg
Sandra Bernacki
Gus Boersma
Joy Bullick
Dale Carlson
Bill Carruthers
Sandra Chapman
Marguerite Church
Paula Cooper
Linda Cross
Lynda Cunningham
Kim Darling
Ingrid Davis
Bev Deets
Karl Deibert
Jennifer Dent
Frank Donahue
John Dormer
Cindy Drew
Nanette Drobot
Richard Dunsdon
Barbara Ellemers
Stewart Enderton
Bob Fergusson
Elizabeth Fleet
Robert Forbes
Archie Gaber
Bruce Gardiner
Maxine Glover
Peter Grauer
Douglas Gresham
Larry Grist
Robert Groves
Dave Hanna
Sheila Hart
Tina Head
William Heflin
Bev Hibberson
Kathleen Higgs
Brian Hornidge
Larry James
Cindy Lombard
Gary Lotochinski
John Lovering
Doris Low-Renwick
Richard Macintosh
Mario Macri
Janet McCoy
Pamela McKenzie
Grace Mills-Hodgins
Pierre Morazain
Richard Morley
Wayne Murphy
Terry Napora
Finn Nielsen
Gautam Parghi
Michael Patterson
Nora Perehudoff
Mary Pickering
Glenn Prior
Larry Rivard
Catherine Ronel
Salwach
Kenneth Serl
Glen Shuttleworth
Sid Sidhu
Brian Smith
Ron Sullivan
Everette Surgenor
Thomas Thompson
Robin Tracy
Tyleen Underwood
Steve Uzick

John Wakefield
Barry Watson
Stewart Wells
Cynthia Wilker
Joy Williamson
Paul Wortley
Heidi Zetzsche

Region 5 – Northern
Jennifer Anderson
Kenneth Anderson
Denene Broza
Brenda Campbell
Wayne Carkner
Mary Chen
Marius Curteanu
Karl Ellingsen
Bill Farr
Kerri Fisher
Catherine Lindseth
Steven Merrick
Suzette Narbonne
Kristina Nielsen
Lee Ongman
Bill Oppen
Delina Petit-Pas
Stu Pike
Andy Roth
Lorna Sandler
Michael Schuster
Andrew Shepherd
Frances Stanley
Susanne Stushnoff
David Wilbur

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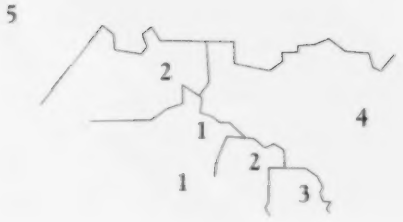


Number of Panel Members by Region

Region 1	Vancouver Island	66
Region 2	Vancouver Coastal	34
Region 3	Fraser	42
Region 4	Interior	85
Region 5	North	25

Appendix D: How to Appeal

1. If you disagree with an outcome of the Ministry of Human Resources' reconsideration process, and you wish to appeal to the Employment and Assistance Appeal Tribunal, obtain a Notice of Appeal form from your local ministry office, from the tribunal, or from the tribunal website (www.gov.bc.ca/eaat). (The tribunal alone is responsible for determining whether a matter is eligible for appeal.)
2. Complete the Notice of Appeal form and send it to the tribunal either by fax or by mail, **within seven business days of the day you received the ministry's reconsideration decision**. You may not begin an appeal after that time.
3. The tribunal will determine whether the matter can be appealed. If the matter can be appealed, a three-person panel will be appointed to hear your appeal, and the hearing will commence within 15 business days after the tribunal received your completed Notice of Appeal.

4. The tribunal will attempt to accommodate your request for type of hearing, indicated on your Notice of Appeal: oral (in person or by teleconference) or in writing.

Oral hearing – In person

5. If your hearing is proceeding as an oral hearing in person, the tribunal will send you a Notice of Hearing at least two business days before the hearing is to take place, notifying you of the date, time and place of the hearing. Hearings will take place at a location within reasonable distance of the parties wherever possible. Both you and a ministry representative have the right to present evidence and make arguments in support of your case. You also have the right to call witnesses to give evidence related to material in the appeal record, and to have an advocate assist you during the appeal process.

Oral hearing – By teleconference

6. If your hearing is proceeding as an oral hearing by teleconference, you will receive from the tribunal a Notice of Hearing at least two business days before the hearing is to take place, notifying you of the date and time of the hearing and instructions for accessing the teleconference. As in an in-person oral hearing, you have the right to present evidence and make arguments in support of your case, to call witnesses to give evidence related to material in the appeal record, and to have an advocate assist you during the appeal process.

Written hearing

7. If you requested a written hearing, and the ministry agrees to a written hearing, the tribunal will send you a letter establishing a schedule for making a written submission to support your case. You will be given seven business days to provide your submission. On receiving your submission by the deadline, the tribunal will forward it to the Ministry of Human Resources, and give the ministry seven days to provide a written response. The tribunal will then forward both submissions to the appeal panel for review.

Decisions of the appeal panel

8. The panel will provide the tribunal chair with a written decision within five business days of the conclusion of the hearing. The decision will either confirm or rescind the ministry's reconsideration decision. The tribunal chair will mail a copy of the decision to the parties within five business days of receiving it from the panel. Decisions will not be provided by the tribunal over the telephone. Panel decisions are final.

Note: For more detailed information about the appeal process, go to the "Practices and Procedures" page of the tribunal's website.

Appendix E:
Budget Information

April 2003 – March 2004

Operating Budget	
Salaries and Benefits	637,000
Boards, Fees and Commissions	320,000
Staff Travel	12,000
Support Services	0
Professional Services	216,000
Information Systems	102,000
Office Expenses	58,000
Statutory Notices	4,000
Facilities	81,000
Amortization Expenses	12,000
Transfers Under Agreements	975,000
Total	**2,417,000**

FTE Allocation: 13

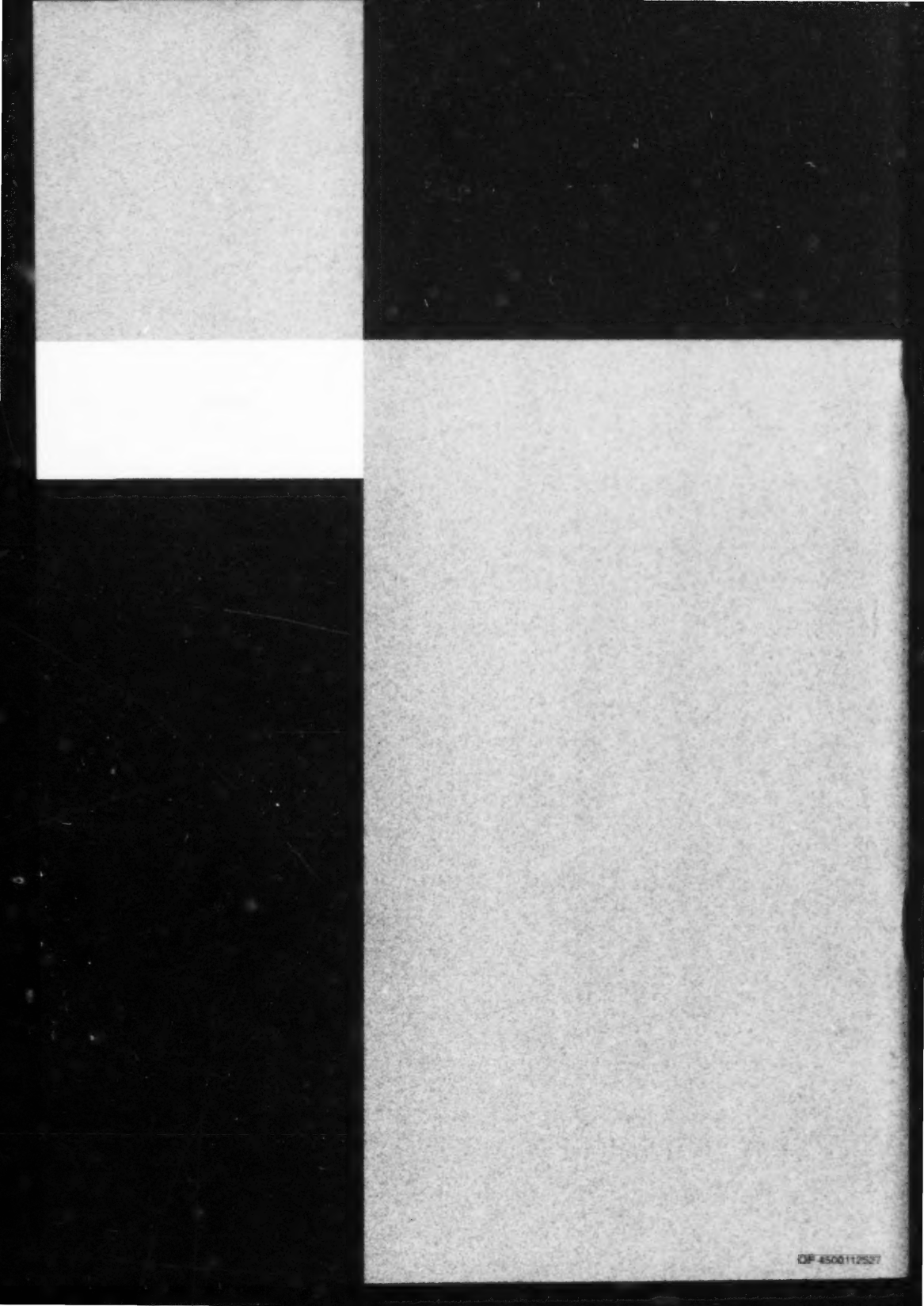
How to Contact Us

Call us at (250) 356-6374 or toll-free at 1-866-557-0035
or TTY toll-free at 1-866-356-6264

e-mail us at eaat@gems2.gov.bc.ca

visit our website at www.gov.bc.ca/eaat

or ask for a brochure at your local Employment and Assistance Centre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